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9 *Attorneys for NewRez LLC f/k/a New Penn
Financial d/b/a Shellpoint Mortgage Servicing*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 TEAL PETALS ST TRUST,

13 Plaintiff,

14 vs.

15 NEWREZ LLC f/k/a NEW PENN FINANCIAL
d/b/a SHELLPOINT MORTGAGE
16 SERVICING; a foreign limited liability
company; and DOE individuals I through XX;
and ROE CORPORATIONS I through XX,

17 Defendants.
18

Case No.: 2:22-cv-00395-JAD-DJA

**STIPULATION AND ORDER TO LIFT
DISCOVERY STAY AND EXTEND
DISCOVERY DEADLINES**

19 NEWREZ LLC f/k/a NEW PENN FINANCIAL
d/b/a SHELLPOINT MORTGAGE
20 SERVICING,

21 Counter-claimant,

22 vs.

23 TEAL PETALS ST TRUST; DOES I through X,
inclusive; and ROE CORPORATIONS I through
X, inclusive,

24 Counter-defendants.
25

26 Teal Petals St Trust and NewRez LLC f/k/a New Penn Financial d/b/a Shellpoint Mortgage
27 Servicing, stipulate as follows:
28

1. The Court entered an order staying discovery deadlines pending the outcome of a pending chapter 11 bankruptcy case involving the property located at 9863 Dublin Valley Street Las Vegas, NV 89178, on August 31, 2022. ECF No. 19.
2. The bankruptcy court has annulled the automatic stay in the pending chapter 11 bankruptcy matter, Case No. 22-12180. A true and correct copy of the order annulling automatic stay is attached hereto as **Exhibit A**.
3. The parties request the Court lift the discovery stay because the extraordinary circumstances making a stay appropriate no longer exist. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).
4. The parties have not conducted any discovery to date as a result of the discovery stay, except that Shellpoint served its initial disclosures on April 7, 2022. The parties still need to complete written discovery, Rule 30(b)(6) depositions, expert disclosures and depositions, and any other additional discovery for which the need may arise.
5. Since the discovery deadlines set forth in the Court's scheduling order, ECF No. 14, have already passed, good cause exists to extend the discovery deadlines as follows:
 - a. Discovery Cut Off: **August 31, 2023**
 - b. Motions to Amend Pleadings or Add Parties: **June 2, 2023**
 - c. Initial Expert Disclosures: **July 3, 2023**
 - d. Rebuttal Expert Disclosures: **August 2, 2023**

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e. Dispositive Motions: **October 2, 2023**

f. Pre-Trial Order: **November 1, 2023**

DATED this 1st day of March, 2023.

AKERMAN LLP	ROGER P. CROTEAU & ASSOCIATES, LTD
<p><u>/s/ Paige L. Magaster</u> ARIEL E. STERN, ESQ. Nevada Bar No. 8276 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 PAIGE L. MAGASTER, ESQ. Nevada Bar No. 15557 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134</p> <p><i>Attorneys for NewRez LLC f/k/a New Penn Financial d/b/a Shellpoint Mortgage Servicing</i></p>	<p><u>/s/ Christopher L. Benner</u> ROGER P. CROTEAU, ESQ. Nevada Bar No. 4958 CHRISTOPHER L. BENNER, ESQ. Nevada Bar No. 8963 2810 W. Charleston Boulevard, Suite 75 Las Vegas, NV 89102</p> <p><i>Attorneys for Teal Petals St Trust</i></p>

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

Case No.: 2:22-cv-00395-JAD-DJA

DATED: March 7, 2023

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INDEX OF EXHIBITS

Exhibit A Order Annulling Automatic Stay

EXHIBIT A

Order Annulling Automatic Stay

EXHIBIT A



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
November 04, 2022

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*Attorneys for NewRez LLC d/b/a
Shellpoint Mortgage Servicing*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

9863 DUBLIN VALLEY, LLC,

Debtor.

Case No.: 22-12180-mkn

Chapter 11

Hearing Date: October 19, 2022
Hearing Time: 9:30 AM
Location: Foley Courtroom 2 - Remote

ORDER ANNULLING AUTOMATIC STAY

Based on NewRez LLC d/b/a Shellpoint Mortgage Servicing's motion to dismiss or alternatively to annul automatic stay [ECF No. 19] (**the motion**), the exhibits attached thereto including the Magaster and Cordero declarations [ECF Nos. 19-1 – 19-29], the debtor's opposition to

1 motion to dismiss or alternatively to annul automatic stay [ECF No. 26], the reply supporting motion
2 to dismiss or alternatively to annul automatic stay [ECF No. 27], any exhibits thereto, the hearing
3 held on October 19, 2022 (appearances noted on the record), the court having stated on the record its
4 findings of fact and conclusions of law, which are incorporated herein pursuant to the Federal Rules
5 of Bankruptcy Procedure 9014(c) and 7052, and Federal Rule of Civil Procedure 52, with good
6 cause having been shown,

7 **IT IS HEREBY ORDERED** that the motion is **GRANTED IN PART** as to the alternative
8 request to annul the automatic stay;

9 **IT IS FURTHER ORDERED** that the motion is **DENIED** without prejudice as to all other
10 requested relief; and

11 **IT IS FURTHER ORDERED** that the automatic stay is annulled as of the date of filing of
12 debtor's chapter 11 petition.

13 **IT IS SO ORDERED.**

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15
16 *Submitted by:*

17 AKERMAN LLP

18 By: /s/ Paige L. Magaster
19 ARIEL E. STERN, ESQ.
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*Attorneys for NewRez LLC d/b/a
Shellpoint Mortgage Servicing*

RULE 9021 DECLARATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

___ The court has waived the requirement of approval under LR 9021(b)(1).

___ No party appeared at the hearing or filed an objection to the motion.

x I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

APPROVE

/s/ Roger P. Croteau

ROGER P. CROTEAU, ESQ.
Roger P. Croteau & Associates, Ltd
2810 W Charleston Blvd, Suite 67
Las Vegas, NV 89102

Counsel for the Debtor

___ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

By: /s/ Paige L. Magaster

Paige L. Magaster, Esq.
AKERMAN LLP
Attorneys for NewRez LLC d/b/a
Shellpoint Mortgage Servicing